

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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AGENCE FRANCE PRESSE, Plaintiff, Case No. 10-cv-2730 (WHP)
v. DANIEL MOREL

Defendant and Counterclaim Plaintiff, v.
AGENCE FRANCE PRESSE, Counterclaim Defendant, And

GETTY IMAGES (US), INC., CBS BROADCASTING INC., ABC, INC., TURNER BROADCASTING SYSTEM, INC. and (AFP and Getty Licensees does 1 – et al.).

Third Party Counterclaim Defendants.

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PLAINTIFF-COUNTERCLAIM DEFENDANT AND THIRD PARTY COUNTERCLAIM DEFENDANTS' NOTICE OF MOTION TO DISMISS DEFENDANT-COUNTERCLAIM PLAINTIFF'S SECOND AMENDED COUNTERCLAIMS

PLEASE TAKE NOTICE that, upon the annexed affidavit of Joshua Kaufman, sworn to on July 22, 2010, and the exhibits annexed thereto, the accompanying Memorandum of Law and all other pleadings and proceedings, Counterclaim Defendant Agence France Presse and Third Party Counterclaim Defendants Getty Images (US), Inc., CBS Broadcasting Inc., ABC, Inc., and Turner Broadcasting System, Inc., will move before the Honorable William H. Pauley, III, United States District Judge,

Southern District of New York, on a date and time to be set by the Court, for an order pursuant to Fed. R. Civ. P. 12(b)(6) dismissing causes of action as described below in the Second Amended Complaint of Defendant and Counterclaim Plaintiff Daniel Morel.

The Counterclaim Defendants are named in different counterclaims but pursuant to the Court's request, have consolidated their motions into one pleading as follows:

Plaintiff-Counterclaim Defendant Agence France Presse moves to dismiss Counts I and II of the Second Amended Counterclaim;

Plaintiff-Counterclaim Defendant Agence France Presse and Counterclaim Defendant Getty Images (US), Inc., jointly move to dismiss Counts IV, VI and VII of the Second Amended Counterclaim;

Plaintiff-Counterclaim Defendant Agence France Presse and Counterclaim Defendants Getty Images (US), Inc., CBS Broadcasting Inc., ABC, Inc., and Turner Broadcasting System, Inc. jointly move to dismiss Count V of the Second Amended Counterclaim;

Counterclaim Defendant CBS Broadcasting Inc. moves to dismiss Count VIII of the Second Amended Counterclaim as to secondary liability.

Counterclaim Defendant ABC, Inc. moves to dismiss Count IX of the Second Amended Counterclaim as to secondary liability.

Counterclaim Defendant Turner Broadcasting System, Inc. moves to dismiss Count X of the Second Amended Counterclaim.

PLEASE TAKE FURTHER NOTICE that, pursuant to the Court's Scheduling Order, Defendant-Counterclaim Plaintiff's answering papers, if any, shall be filed and served no later than August 24, 2010.

Respectfully submitted on July 22, 2010

Agence France Presse as to Counts I, II, IV, V, VI and VII and Turner Broadcasting System, Inc. as to Counts V and X

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Defendant Turner Broadcasting System, Inc.*

Getty Images (US) Inc. as to Counts III, IV, V, VI and VII and CBS Broadcasting Inc. as to Count V and VIII.

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ABC, Inc. as to Count V and IX.

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